



# Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

110 E. MAIN STREET, SUITE 440

MADISON, WISCONSIN 53703

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November 11, 2013

To: Board of Administrative Oversight  
Office of Lawyer Regulation

Re: Rule Petition 13-11, Petition to Amend Rule 10.03(4)(b)2 Relating to Pro Hac Vice Applications

Dear Board of Administrative Oversight and Office of Lawyer Regulation:

I am assisting the Wisconsin Supreme Court with its consideration of Rule Petition 13-11 in which you propose a fee increase from \$50 to \$200 to the Office of Lawyer Regulation (OLR) for each application for admission pro hac vice. The court briefly discussed this matter at its open rules conference on September 12, 2013, and requested I seek additional information about the proposed amendment. Specifically, your response to the following issues or questions is sought at this time:

- How many pro hac vice applications have been filed since the fee and application requirement commenced?
- Describe the administrative expenses that warrant a fee increase?
- Should the form application for admission pro hac vice located in Appendix A to SCR Ch. 10 be amended to add the "Wisconsin Supreme Court" in paragraph (7)?
- Does the OLR perceive lawyers misusing pro hac vice admission? If so, how would the proposed fee increase correct the situation?
- Can an attorney on inactive status in Wisconsin, who is licensed, in good standing, and actively practicing law in another state, seek admission pro hac vice in Wisconsin?
- The court is also considering revisions to the "Q & A" document located at <http://www.wicourts.gov/services/attorney/prohacvice.htm>. In particular, the court is advised that the following updates to the pro hac vice "Q & A" may facilitate the use and administration of the rule. Please comment on the following proposed questions and answers and provide other suggestions that may improve the document:

1. Whether out of state judges may use admission pro hac vice to conduct weddings in Wisconsin?

No. Out of state judges cannot use admission pro hac vice to perform weddings in Wisconsin. Admission pro hac vice only applies to participation in a particular “action or proceeding” for counsel who “seek to provide legal services.” See also Wis. Stat. § 765.16(4).

2. Who receives the original application?  
The applicant should file the original application with the court and send a copy to the OLR.
3. Can an applicant request a receipt for payment of the fee?  
The OLR does not issue receipts, per se. An applicant who wants a receipt is directed to enclose a copy of the application and a self-addressed stamped envelope. The OLR will return the duplicate application.
4. The rule provides that the fee can be waived when an attorney is employed by an agency providing legal services to indigent clients. What is necessary for “certification” and should it be filed with the OLR, the local court, or both?  
I seek clarification from the OLR on this procedure. As I understand it, the OLR suggests that the “Q & A” should highlight and emphasize that the fee is to be made payable to the OLR and NOT to the State Bar or to the Clerk of the Circuit Court.
5. What should an applicant do if there is a change in the “sponsoring attorney?”  
Applicants should send the OLR a cover letter stating the change of attorney and attaching a copy of the application. At present, the OLR does not track this information.
6. The OLR receives many phone calls asking “Have you approved my application yet?”  
The “Q & A” should clarify Questions 3 and 21 to clearly advise applicants that the court or tribunal decides whether the applicant for admission pro hac vice may enter a case – not the OLR.

Please file your responses and any additional suggestions and comments by Wednesday, December 11, 2013, with the Clerk of Supreme Court, Attention: Carrie Janto, Deputy Clerk, P.O. Box 1688, Madison, WI 53701-1688. If possible, e-mail a Microsoft Word version of your response to [carrie.janto@wicourts.gov](mailto:carrie.janto@wicourts.gov) or [clerk@wicourts.gov](mailto:clerk@wicourts.gov).

The court may request further information prior to a public hearing or open rules conference. In addition, the court may take any action on this petition it deems appropriate, including any of the following:

- (a) Adopt the rule proposed, or a modified version, without further comment.
- (b) Reject the rule proposed without further comment.
- (c) Circulate the rule petition for comment without a public hearing.

- (d) Schedule the rule petition for public hearing.
- (e) Refer the rule petition to another entity for its review and recommendation.
- (f) Request further information or analysis from the petitioners or interested persons or entities.

You might wish to consult the court's Web site at <http://wicourts.gov/scrules/supreme.htm> to follow this rule petition. Court communications on the petition and any written comments filed with the clerk's office are posted on the Web site.

If you have specific questions regarding this request, please contact me at (608) 261-6642 or [julie.rich@wicourts.gov](mailto:julie.rich@wicourts.gov).

Yours very truly,

Julie Anne Rich  
Supreme Court Commissioner

cc: Chief Justice Shirley S. Abrahamson  
Justice Ann Walsh Bradley  
Justice N. Patrick Crooks  
Justice David T. Prosser, Jr.  
Justice Patience Drake Roggensack  
Justice Annette Kingsland Ziegler  
Justice Michael J. Gableman

**List of Interested Parties for Supreme Court Rules Matters**

Board of Bar Examiners  
Chief Circuit Court Judges  
Circuit Court Judges  
Court of Appeals Judges  
Court of Appeals, Attention: Chief Staff Attorney  
Director of State Courts  
Legal Action of Wisconsin, Attention: John F. Ebbott  
League of Women Voters  
Marquette Law School, Attention: Joseph D. Kearney  
Office of State Public Defender, Attention: Kelli S. Thompson  
Office of the Attorney General, Attention: J.B. Van Hollen  
State Bar of Wisconsin, Attention: Patrick J. Fiedler  
State Bar of Wisconsin, Attention: George Brown  
State Bar of Wisconsin, Attention: Lisa Roys  
U.W. Law School, Attention: Margaret Raymond  
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director  
Western District Bar Association of Wisconsin, Attention: Lynn M. Stathas  
Wisconsin Asian Bar Association, Attention: Robin Dalton  
Wisconsin Association for Justice, Attention: Jane E. Garrott, Executive Director

Wisconsin Association of African American Lawyers, Attn: DeAngela Luna  
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever  
Wisconsin Association of Judicial Court Commissioners, Attention: Alice Rudebusch  
Wisconsin Bankers Association, Attention: Attorney John Knight  
Wisconsin Clerks of Circuit Court Association, Attention: Pam Radtke  
Wisconsin Counties Association, Attention: David Callender  
Wisconsin Defense Counsel, Attention: Jane Svinicki and Andy Cook  
Wisconsin District Attorneys Association, Attention: Margaret Drees, Executive Director  
Wisconsin Family Court Commissioners Association, Attention: Sandra Grady, Exec. Secretary  
Wisconsin Hispanic Lawyers Association, Attention: Micabil Diaz Martinez  
Wisconsin Judicare, Inc., Attention: Rosemary Elbert  
Wisconsin Judicial Commission, Attention: Jeremiah VanHecke  
Wisconsin Judicial Council, Attention: April Southwick  
Wisconsin Juvenile Court Clerks Association, Attention: Joy Pecha  
Wisconsin Municipal Judges Association, Attention: Honorable Scott Letteney  
Wisconsin Registers in Probate Association, Attention: Nancy Dowling  
Wisconsin State Attorneys Association, Attention: Nancy Wettersten  
Wisconsin Trial Judges Association, Attention: Honorable Mary M. Kuhnmuensch  
Wisconsin Tribal Judges Association, Attention: Amanda Rockmann, President  
Christian Gossett, Winnebago County District Attorney  
Steven Levine, Attorney  
Shelley M. Fite, Local Attorney Manager, State Public Defender-Appellate Division

**List of Additional Interested Parties – if any**

Association of Corporate Counsel (ACC)  
Wisconsin Trust Account Foundation, Inc. (WisTAF)  
Access to Justice Commission